United States District Court

strict of Montana $C_{lerk, USD_{ls}}^{C_{lerk, USD_{ls}}}$

| | District of Montana | Oistrict Of Montage | | |
|--|--|--|--|--|
| UNITED STATES OF AMERICA v. |) JUDGMENT IN A CRIM | District Of Montana Billings MINAL CASE | | |
| MICHAEL SHAWN YATES |) Case Number: CR 15-105-BL | .G-SPW-01 | | |
| |) USM Number: 15150-046 | | | |
| |) Jennifer Dwyer (Appointed) | | | |
| THE DEFENDANT: |) Defendant's Attorney | | | |
| ✓ pleaded guilty to count(s) Counts 1 and 2 of the | e Indictment | | | |
| pleaded nolo contendere to count(s) which was accepted by the court. | | | | |
| was found guilty on count(s) after a plea of not guilty. | | | | |
| The defendant is adjudicated guilty of these offenses: | | | | |
| Title & Section Nature of Offense 21 U.S.C. § 841(a)(1) Possession with Intent | Offense to Distribute Methamphetamine 12/16/2 | alama kalenda alam aka k | | |
| 44 George (1964年) 1964年 (19 1964年 - 1964年 (1964年) 196 | to Distribute Methamphetamine 12/16/2 | | | |
| | | Barrier of the second s | | |
| The defendant is sentenced as provided in pages 2 the Sentencing Reform Act of 1984. | through 6 of this judgment. The sent | ence is imposed pursuant to | | |
| ☐ The defendant has been found not guilty on count(s) | | | | |
| ✓ Count(s) 3-5 of Indictment □ i | s 🗸 are dismissed on the motion of the United St | ates. | | |
| It is ordered that the defendant must notify the Unor mailing address until all fines, restitution, costs, and spetche defendant must notify the court and United States atto | nited States attorney for this district within 30 days of cial assessments imposed by this judgment are fully pa orney of material changes in economic circumstances | any change of name, residence, id. If ordered to pay restitution, | | |
| | 9/29/2016 | | | |
| | Date of Imposition of Judgment | | | |
| | Janan Pillal | <u>Con</u> | | |
| | Signature of Judge | | | |
| | Susan P. Watters, District Judge | | | |
| | Name and Title of Judge | | | |
| | 9/29/2016 | | | |
| | Date | *************************************** | | |

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DEFENDANT: MICHAEL SHAWN YATES CASE NUMBER: CR 15-105-BLG-SPW-01

IMPRISONMENT

| The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: | | | | | | |
|---|---|--|--|--|--|--|
| none | | | | | | |
| | The court makes the following recommendations to the Bureau of Prisons: | | | | | |
| | The defendant is remanded to the custody of the United States Marshal. | | | | | |
| | The defendant shall surrender to the United States Marshal for this district: | | | | | |
| | □ at a.m. □ p.m. on | | | | | |
| | as notified by the United States Marshal. | | | | | |
| | ☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons: | | | | | |
| | □ before 2 p.m. on | | | | | |
| | ☐ as notified by the United States Marshal. | | | | | |
| | as notified by the Probation or Pretrial Services Office. | | | | | |
| | RETURN | | | | | |
| I have e | executed this judgment as follows: | | | | | |
| | | | | | | |
| | | | | | | |
| | Defendant delivered on to | | | | | |
| a | , with a certified copy of this judgment. | | | | | |
| | | | | | | |
| | UNITED STATES MARSHAL | | | | | |
| Ву | | | | | | |
| | DEPUTY UNITED STATES MARSHAL | | | | | |

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DEFENDANT: MICHAEL SHAWN YATES CASE NUMBER: CR 15-105-BLG-SPW-01

PROBATION

The defendant is hereby sentenced to probation for a term of:

3 years

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as determined by the court.

| | The above drug testing condition is suspended, based on the court's determination that the detendant poses a low risk of future substance abuse. (Check, if applicable.) |
|---|---|
| Ø | The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.) |
| Ø | The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.) |
| | The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. (Check, if applicable.) |

☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of probation that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at bome or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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DEFENDANT: MICHAEL SHAWN YATES CASE NUMBER: CR 15-105-BLG-SPW-01

SPECIAL CONDITIONS OF SUPERVISION

- 1. The defendant shall participate in and complete a program of substance abuse treatment as approved by the United States Probation Office, until the defendant is released from the program by the probation officer. The defendant is to pay part or all of the cost of this treatment, as directed by the United States Probation Office.
- 2. The defendant shall abstain from the consumption of alcohol and shall not enter establishments where alcohol is the primary item of sale. This condition supersedes standard condition number 7 with respect to alcohol consumption only.
- 3. The defendant shall participate in substance abuse testing, to include not more than 365 urinalysis tests, not more than 365 breathalyzer tests, and not more than 36 sweat patch applications annually during the period of supervision. The defendant shall pay all or part of the costs of testing as directed by the United States Probation Office.
- 4. The defendant will provide the United States Probation Officer with any requested financial information and shall incur no new lines of credit without prior written approval of the United States Probation Officer.
- 5. The defendant shall not ingest or inhale any toxic substances such as, but not limited to, synthetic marijuana and/or synthetic stimulants that are not manufactured for human consumption, for the purpose of altering his mental or physical state.
- 6. The defendant shall not purchase, possess, use, distribute or administer marijuana, or obtain or possess a medical marijuana card or prescription. This condition supersedes standard condition number 7 with respect to marijuana only.
- 7. The defendant shall submit his person, residence, place of employment, vehicles, and papers, to a search, with or without a warrant by any probation officer based on reasonable suspicion of contraband or evidence in violation of a condition of release. Failure to submit to search may be grounds for revocation. The defendant shall warn any other occupants that the premises may be subject to searches pursuant to this condition. The defendant shall allow seizure of suspected contraband for further examination.

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DEFENDANT: MICHAEL SHAWN YATES CASE NUMBER: CR 15-105-BLG-SPW-01

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

| тот | ΓAL | s | \$ | <u>Assessme</u> 200.00 | <u>ent</u> | | \$ | | <u>ne</u> .00 | | \$ | Restitution 0.00 | <u>on</u> | |
|----------|--|-----------------------------|-----------------------------|--|---|---------------------------|------------------------------|---------------|------------------------------------|--|--|--|--|--|
| | | | | tion of rest rmination. | itution is def | ferred until | | . An | Amended Ju | ıdgment | in a Cri | minal Cas | e (AO 245C) | will be entered |
| | The | defer | ndant | must make | restitution | (including | community | resti | tution) to the f | ollowing | payees i | n the amou | nt listed bel | ow. |
| | If th the p befo | e defe oriori ore the | endan ty ord Unit | t makes a pler or perce ted States i | partial paym entage paym s paid. | ent, each p ent columi | ayee shall re a below. Ho | eceiv owev | ve an approxim ver, pursuant to | ately pro 18 U.S. | portioned C. § 3664 | l payment, 4(i), all non | unless spec federal vic | ified otherwise i ims must be pai |
| Na Na | ıme | of Pa | vee | | | | | | Total Loss* | Re | estitution | Ordered | Priority o | r Percentage |
| | in de | | ia di Allia Inchesi (n.) | (C.) a ctiv e the later to the | . I jednaca spolocaja Si jednaca spolocajaja | | | | | | | | | ilimitani da ilimita kantani tari |
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| тот | ALS | 5 | | | \$ | | 0.00 | | \$ | | 0.00 | | | |
| | Res | titutio | on am | ount order | ed pursuant | to plea agr | reement \$ | | | - 11-2 | | | | |
| | The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g). | | | | | | | | | | | | | |
| | The | cour | t dete | rmined tha | t the defend | ant does no | ot have the a | bilit | y to pay intere | st and it | is ordered | l that: | | |
| | | the i | nteres | st requirem | ent is waive | d for the | ☐ fine | | restitution. | | | | | |
| | | the i | nteres | st requirem | ent for the | ☐ fine | e □ res | tituti | ion is modified | l as follo | ws: | | | |

^{*} Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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DEFENDANT: MICHAEL SHAWN YATES CASE NUMBER: CR 15-105-BLG-SPW-01

SCHEDULE OF PAYMENTS

| Hav | ing a | assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows: |
|-----|------------|--|
| A | | Lump sum payment of \$ 200.00 due immediately, balance due |
| | | □ not later than □ in accordance □ C, □ D, □ E, or □ F below; or |
| В | | Payment to begin immediately (may be combined with \square C, \square D, or \square F below); or |
| C | | Payment in equal (e.g., weekly, monthly, quarterly) installments of \$ over a period of (e.g., months or years), to commence (e.g., 30 or 60 days) after the date of this judgment; or |
| D | | Payment in equal (e.g., weekly, monthly, quarterly) installments of \$ over a period of (e.g., months or years), to commence (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or |
| E | | Payment during the term of supervised release will commence within (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or |
| F | | Special instructions regarding the payment of criminal monetary penalties: |
| | | the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during ment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Finance ibility Program, are made to the clerk of the court. Indiant shall receive credit for all payments previously made toward any criminal monetary penalties imposed. |
| | Join | nt and Several |
| | Def and | Fendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, corresponding payee, if appropriate. |
| | The | e defendant shall pay the cost of prosecution. |
| | The | e defendant shall pay the following court cost(s): |
| | The | e defendant shall forfeit the defendant's interest in the following property to the United States: |

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.